No. 550.

Motion to Advance.

Office Supreme Court U. S.
FILED
JAN 28 1901
JAMES H. MCKENNEY,
Clerk.

Filed Jan. 28, 1901.

IN THE Supreme Court of the United States.

OCTOBER TERM, 1900.

No. 550

JOHN L. SHUMATE, PLAINTIFF IN ERROR,

vs.

AUGUST HEMAN, DEFENDANT IN ERROR.

MOTION TO ADVANCE CAUSE.

The plaintiff in error respectfully shows that this cause involves the question whether or not the provisions of the charter of the city of St. Louis requiring the whole cost of sewers to be assessed *pro rata* against the lots of ground in the district according to proportion which the area of the lot bears to the area of the entire district is repugnant to the fourteenth amendment to the Constitution of the United States.

That a large amount of public work, especially the construction of sewers, in the said city of St. Louis is suspended pending the determination of said cause, because of the uncertainty whether the decision of this court in Village of Norwood *vs.* Baker, 172 U. S., 269, is applicable to the said

provisions of said charter, and that it is highly desirable that such public work proceed with all possible speed, to the end that the same may be completed by the time set for the proposed centennial celebration of the Louisiana Purchase, to be held in the said city of St. Louis.

That there is already pending in this court another cause involving similar issues, to wit, the case of French *et al.*, plaintiffs in error, *vs.* Barber Asphalt Paving Company *et al.*, defendants in error, which has been advanced and set for hearing on February 25, 1901, but that a decision in that case, which involves the constitutionality of the charter of the city of Kansas City, will not be decisive of this cause, owing to the difference between the provisions of the charters of the two cities.

Wherefore the plaintiff in error prays that this cause be advanced and ordered set for hearing upon the same day, to wit, the 25th day of February, 1901, or upon such other day as the court may order.

HIRAM J. GROVER,
G. B. WEBSTER,
Attorneys for Plaintiff in Error.

The defendant in error joins in the foregoing motion.

DAVID GOLDSMITH,
ROB'T E. COLLINS,
Attorneys for Defendant in Error.

[Endorsed:] No. —. Div. —. In the Supreme Court of the United States. John L. Shumate, plaintiff, *vs.* August Heman, defendant. Motion to advance cause. G. B. Webster, attorney and counselor at law, Carleton building, St. Louis.